

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 760 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

P G PLANCHOLI

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

MR LR PUJARI for Respondent No. 1 & 2

None present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/03/98

ORAL JUDGMENT

The matter was called out for hearing in the first round, then in the second round and lastly in the third round, but none put appearance on behalf of the petitioner. Perused the Special Civil Application and heard the learned counsel for respondents No.1 and 2.

2. Prayer has been made by the petitioner, an officer in the Technical Education Department of the Government of Gujarat, for quashing and setting aside the order dated 24.2.87, annexure 'E' to the Special Civil Application, under which he was ordered to be reverted from the post of Vice Principal to that of Assistant Engineering Superintendent.

3. The petitioner, who was holding the post of Assistant Engineering Superintendent, under the order of the respondents dated 30th October 1982 was promoted on the post of Vice Principal purely on temporary and ad hoc basis. The petitioner was not given promotion on the post of Vice Principal after he was found suitable for the same by the Departmental Promotion Committee. So the petitioner's promotion to the post of Vice Principal was ad hoc and temporary and as such, in case he was ordered to be reverted therefrom, than that action cannot be said to be illegal or arbitrary. The petitioner who was given only ad hoc and temporary promotion on the post of Vice Principal, by working on the said post as such cannot be said to have acquired any right to hold that post. The reversion order does not suffer from any illegality which calls for interference of this Court.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)